

APPEAL NO. 022226
FILED OCTOBER 21, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 21 and July 26, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable contusion to her back on _____, but not a strain/sprain, and that she did not have the inability to obtain and retain employment at her preinjury wages due to her compensable injury (disability). The claimant has appealed these determinations; there is no response in the file from the respondent (carrier).

DECISION

We affirm the hearing officer's decision.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Company v. Valentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

We have reviewed the record in this case and find sufficient support for the conclusions of the hearing officer, who acted as the sole judge of the weight and credibility, materiality and relevance, of the evidence. Accordingly, we affirm the decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS STREET, SUITE 750, COMMODORE I
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge